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Neil Rhodes

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02/01/2010

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,234	<b>Applicant(s)</b> RHODES ET AL.	
	<b>Examiner</b> BENJAMIN R. BRUCKART	<b>Art Unit</b> 2446	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

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### **Detailed Action**

#### **Status of Claims:**

Claims 1-20 are pending in this Office Action.

No new, amended or cancelled claims.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 11/17/09, have been fully considered but they are not persuasive. The reasons are set forth below.

#### **Applicant's invention as claimed:**

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 7, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 20030023874 by Prokupets et al in view of U.S. Patent No. 5,815,664 by Asano.**

Regarding claim 1, the Prokupets reference teaches a data transmission system for a facility (Prokupets: Fig. 1) comprising:

a first network (Prokupets: Fig. 1, tag 22c; page 3, para 24) including;

a number of critical devices disposed within the facility (Prokupets: page 3, para 24); and

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at least one first computer workstation operably coupled to said number of critical devices via said first network (Prokupets: Fig. 1, tag 12);

at least one second computer workstation (Prokupets: Fig. 2, tag 24);

The Prokupets reference teaches fails to teach a router to configure to receive, store and forward data packets.

However, the Asano reference teaches an isolating router coupling said first network to a second network and operable to isolate said first network from data transmission traffic in said second network (Asano: col. 17, lines 1-11), the isolating router comprising a router configured to receive and store data packets, and to forward the received data packets (Asano: col. 16, lines 58– col. 17 line 11) in order to selectively enable communication between different networks (Asano: col. 4, lines 25-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Prokupets to include an isolating router that processes packets as taught by Asano in order to selectively enable communication between different networks (Asano: col. 4, lines 25-33)

Regarding claim 2, the data transmission system of claim 1, wherein:

said first network is a fire control network (Prokupets: Fig. 1, tag 22c; page 3, para 24);

said number of critical devices include fire control devices (Prokupets: Fig. 1, tag 22c; page 3, para 24); and

said first computer workstation implements software configured to receive data from and transmit data to said fire control devices (Prokupets: Fig. 1, tag 22c; page 3, para 24; events and commands).

Regarding claim 7, the data transmission system of claim 1, wherein:

said second network includes a corporate network, independent of said first network, which includes workstations capable of broadcast transmissions (Prokupets: page 1, para 1); and

said isolating router is operable to block said broadcast transmissions to said first network (Prokupets: page 1, para 4; Asano: col. 17, lines 1-11).

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Regarding claim 14, the Prokupets reference teaches a data communication system for a facility comprising a first network and a second network connected by a router (Prokupets: Fig. 1), the first network including a first plurality of work stations (Prokupets: Fig. 1; page 3, para 24), a second plurality of work stations (Prokupets: Fig. 1, tag 26, 30), the first plurality of workstations including only building system workstations, the second plurality of work stations including only non-fire safety related building system workstations and non-building system workstations (Prokupets: Fig. 1, tag 12; page 3, para 21, 24), and wherein the router enables communication between the non-fire related building system workstations and the first plurality of workstations.

The Prokupets reference teaches fails to teach an IP router.

However, the Asano reference teaches an IP router coupling said first network to said second network and operable to isolate said first network from data transmission traffic in said second network (Asano: col. 17, lines 1-11), and the router is operable to disable communication between the non-building system workstations and the first plurality of workstations (Asano: col. 16, lines 58– col. 17 line 11) in order to selectively enable communication between different networks (Asano: col. 4, lines 25-33)

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Prokupets to include an isolating router that processes packets as taught by Asano in order to selectively enable communication between different networks (Asano: col. 4, lines 25-33)

Regarding claim 15, the data communication system of claim 14 wherein at least one building system work station is a fire safety system workstation connected to one of a plurality of fire safety system devices (Prokupets: page 5, para 34-35).

Regarding claim 16, the data communication system of claim 14 wherein the first plurality of workstations includes at least one fire safety system workstation and at least one non-fire building system work station (Prokupets: Fig. 1, tag 18a, tag 30, tag 24; page 4, para 28).

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Regarding claim 17, the data communication system of claim 14 wherein at least one of the non-fire building system workstations is operably connected to heating ventilation and air conditioning system devices (Prokupets: Fig. 1, tag 22a).

**Claims 3, 4, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 20030023874 by Prokupets et al in view of U.S. Patent No. 5,815,664 by Asano in further view of U.S. Patent Publication No 20060114842 by Miyamoto et al in further view of U.S. Patent No. 6,144,736 by Koenig et al.**

Regarding claims 3 and 4, the modified Prokupets reference teaches the data transmission system of claim 2. The modified Prokupets fails to teach Ethernet connections.

However, the Miyamoto reference teaches an Ethernet switch used to isolate a first network from a second network (Miyamoto: page 1, para 6) in order to protect a network from the broadcasts of another network (Miyamoto: page 1, para 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include an Ethernet switch to isolate one network from another as taught by Miyamoto in order to protect a network from the broadcasts of another network.

The modified Prokupets reference fails to teach UL listed devices.

However, the Koenig reference teaches using one or more standards-issuing agencies publicly available standards on hardware (Koenig: col. 17, lines 38-45) in order to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include a UL standard on the hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

Regarding claim 8, the modified Prokupets reference teaches a data transmission system for use in a facility (Prokupets: Fig. 1) comprising:

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a first network including a number of fire control devices and a number of fire safety workstations operably coupled to said fire control devices and operable to implement software for maintaining and controlling said fire control devices (Prokupets: Fig. 1, tag 22c; page 3, para 24);

a number of building control devices and a number of building automation workstations operably coupled to said building control devices and operable to implement software for maintaining and controlling said building control devices (Prokupets: Fig. 1, tag 26, 30).

The Prokupets reference teaches fails to teach an IP router.

However, the Asano reference teaches an isolating router coupling said first network to said second network and operable to isolate said first network from data transmission traffic in said second network (Asano: col. 17, lines 1-11) in order to selectively enable communication between different networks (Asano: col. 4, lines 25-33)

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Prokupets to include an isolating router that processes packets as taught by Asano in order to selectively enable communication between different networks (Asano: col. 4, lines 25-33)

The modified Prokupets fails to teach Ethernet connections.

However, the Miyamoto reference teaches an Ethernet switch used to isolate a first network from a second network (Miyamoto: page 1, para 6) in order to protect a network from the broadcasts of another network (Miyamoto: page 1, para 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include an Ethernet switch to isolate one network from another as taught by Miyamoto in order to protect a network from the broadcasts of another network.

The modified Prokupets reference fails to teach UL listed.

However, the Koenig reference teaches using UL certification on hardware (Koenig: col. 17, lines 38-45) in order to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include a UL standard

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on the hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

Regarding claim 9, the data transmission system of claim 8, wherein said building automation workstations include a database server workstation and at least one database client workstation (Prokupets: Fig. 1, tags 14, 30).

Regarding claim 10, the data transmission system of claim 9, wherein database server workstation is connected within said first sub-network (Prokupets: Fig. 1, tag 12).

Regarding claim 11, modified Prokupets reference the data transmission system of claim 10.

The Prokupets reference fails to teach standards on equipment.

However, the Koenig reference teaches meeting one or more standards-issuing agencies publicly available standards for fire protective signaling uses than at least some workstations connected outside the first sub-network (Koenig: col. 17, lines 38-45) in order to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include a UL standard on the hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

Regarding claim 12, modified Prokupets reference the data transmission system of claim 11.

The Prokupets reference fails to teach standards on equipment.

However, the Koenig reference teaches meeting one or more standards-issuing agencies publicly available standards for fire protective signaling uses (Koenig: col. 17, lines 38-45) in order to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include a UL standard



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on the hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

Regarding claim 13, modified Prokupets reference the data transmission system of claim 12.

The Prokupets reference fails to teach standards on equipment.

However, the Koenig reference teaches a meeting one or more standards-issuing agencies publicly available standards for information technology equipment for fire protective signaling uses (Koenig: col. 17, lines 38-45) in order to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include a UL standard on the hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

**Claims 5-6, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 20030023874 by Prokupets et al in view of U.S. Patent No. 5,815,664 by Asano in further view of U.S. Patent Publication No 20060114842 by Miyamoto et al.**

Regarding claim 5, the modified Prokupets reference teaches the data transmission system of claim 1. The modified Prokupets fails to teach Ethernet connections.

However, the Miyamoto reference teaches a second network includes a building control network which includes a second Ethernet switch operably coupled to a number of building control devices independent of said operationally critical devices (Miyamoto: page 1, para 6) in order to protect a network from the broadcasts of another network (Miyamoto: page 1, para 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include an Ethernet switch to isolate one network from another as taught by Miyamoto in order to protect a network from the broadcasts of another network.

Regarding claim 6, the data transmission system of claim 5, wherein:

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said second network includes a corporate network, independent of said building control network, which includes workstations capable of broadcast transmissions (Prokupets: Fig. 1, tag 30, 26); and

said isolating router is operable to block said broadcast transmissions to said first network (Prokupets: page 1, para 4).

Regarding claim 20, the modified Prokupets reference teaches the data communication system of claim 1. The modified Prokupets fails to teach Ethernet connections.

However, the Miyamoto reference teaches a first network comprises at least one Ethernet network and the second network comprises at least one Ethernet network (Miyamoto: page 1, para 6) in order to protect a network from the broadcasts of another network (Miyamoto: page 1, para 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include an Ethernet switch to isolate one network from another as taught by Miyamoto in order to protect a network from the broadcasts of another network.

**Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 20030023874 by Prokupets et al in view of U.S. Patent No. 5,815,664 by Asano in further view of U.S. Patent No. 6,144,736 by Koenig et al.**

Regarding claim 18, the modified Prokupets reference teaches the data communication system of claim 14.

The modified Prokupets reference fails to teach UL listed.

However, the Koenig reference teaches meeting one or more standards-issuing agencies publicly available standards for fire protective signaling (Koenig: col. 17, lines 38-45) in order to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include a UL standard

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on the hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

Regarding claim 19, the modified Prokupets reference teaches the data communication system of claim 14.

The modified Prokupets reference fails to teach UL listed.

However, the Koenig reference teaches meeting one or more standards-issuing agencies publicly available standards for information technology equipment for fire protective signaling (Koenig: col. 17, lines 38-45) in order to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include a UL standard on the hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

### **REMARKS**

Applicant has provided new and repeated arguments with no claim amendments.

#### **Response to Argument**

On the bottom of page 2 and again on the bottom of page 4, applicant argues there is no reason to modify the device of Prokupets to include the position sensor of Asano.

**In response**, the examiner respectfully submits:

Adding an isolating router to Prokupets would allow for data isolation between the HR database and the other devices such as the servers of tag 18a and 18e. HR database and HR Computer system are separate and data is only interfaced through the security server (tag 12). Therefore, the second network is isolated by functionality.

By adding the isolating router of Asano to the Prokupets reference, you substitute or additionally add the common functionality and detailed features of the router to the security server to allow controlled data transmission between devices (Asano: col. 4, lines 25-33). The

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rationales of using a known technique to improve similar devices in the same way, applying a known technique to a known device ready for improve to yield predictable and similar results, combining prior art elements according to known methods to yield predictable results, and the TSM test as supported by KSR are fully supported by the combination of Prokupets with Asano. In a broader sense, one of ordinary skill in the art at the time of the invention, illustrate that router access and control between two networks are easily and readily borrowed, substituted, or applied to the Prokupets reference in order to selectively enable communication and addressing between different networks for access control (Asano: col. 4, lines 25-33). Both pieces of prior art are in the computer networking field, allowing data to be transmitted between devices with combination to combined. The examiner maintains that the combination of Prokupets with Asano is proper and that a person of ordinary skill in the art at the time of the invention would combine Prokupets with Asano.

Routers and switches are common entities in networks allowing interfaces between sets of devices and communication protocols. Applicant has provided different rationale, not from the references, to support the notion that the references would not be combined. In light of the evidence cited above and repeatedly argued through prosecution, applicant's router is has no special features, use or definition that set it apart from common network router hardware and its use in the environment is not questioned.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart  
Primary Examiner  
Art Unit 2446

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